

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DOUGLAS M. MILLIGAN,

Plaintiff,

**STIPULATION OF DISCONTINUANCE  
AND OF VOLUNTARY DISMISSAL**

vs.

Case #: 1-20-cv-01246-WMS

TIMOTHY B. HOWARD, Individually and  
as ERIE COUNTY SHERIFF; THOMAS  
DIINA, as SUPERINTENDENT OF THE  
JAIL MANAGEMENT DIVISION; COUNTY  
OF ERIE; and JOHN DOES 1-10, the said  
names being fictitious but intended to be the  
individuals/officers involved in the within  
incident,

Defendants.

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**IT IS HEREBY STIPULATED AND AGREED**, by, between, and among the under-  
signed attorneys for all of the parties, none of whom is a minor or an incompetent, that the above  
entitled action, having been fully and finally settled and compromised, be and the same hereby is  
discontinued and voluntarily dismissed, with prejudice, as provided for by Rule 41(a)(1)(A)(ii)  
of the Federal Rules of Civil Procedure.

**IT IS HEREBY FURTHER STIPULATED AND AGREED**, by, between, and among  
the undersigned attorneys for all of the parties, none of whom is a minor or an incompetent, that  
this Stipulation, once fully executed, may be filed with the Clerk of the Court without further  
notice.

**Dated:** Buffalo, New York  
December 15, 2020

s/ James E. Morris

**JAMES E. MORRIS, ESQ.**

Attorney for Plaintiff, DOUGLAS M. MILLIGAN

Office & P. O. Address:

70 Niagara Street, Suite 404

Buffalo, New York 14202

**MICHAEL A. SIRAGUSA, ESQ.**

Erie County Attorney

Attorney for Defendants

By: s/Kenneth R. Kirby

**KENNETH R. KIRBY, ESQ.**

Office & P. O. Address:

Erie County Department of Law

95 Franklin Street, Room 1634

Buffalo, New York 14202

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2021 I electronically filed the within with the clerk of District Court using its CM/ECF system, and on the same date the court's CM/ECF system caused to be (electronically) served the foregoing to the following CM/ECF participant(s) at the following (email) address:

James E. Morris, Esq.  
**LAW OFFICES OF JAMES MORRIS**  
Attorney for Plaintiff, Douglas M. Milligan  
70 Niagara Street, Suite 404  
Buffalo, New York 14202  
Tel: (716)855-1118  
Email: [jmorris@jamesmorrislaw.com](mailto:jmorris@jamesmorrislaw.com)

**Dated:** Buffalo, New York  
January 8, 2021

**MICHAEL A. SIRAGUSA, ESQ.**  
Erie County Attorney, Attorney for the  
Defendants, TIMOTHY B. HOWARD,  
Individually and as ERIE COUNTY  
SHERIFF; THOMAS DIINA, as  
SUPERINTENDENT OF THE JAIL  
MANAGEMENT DIVISION; COUNTY  
OF ERIE; and JOHN DOES 1-10, the said  
names being fictitious but intended to be the  
individuals/officers involved in the within  
incident,

By: s/Kenneth R. Kirby  
Kenneth R. Kirby, Esq.  
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